HIGH COURT OF CHHATTISGARH AT BILASPUR

(17)

M.A. No. 633 of 2005

Appellant		Mehataru Ram Son of Shriram Sahu, aged about 40 years, Occupation- cultivation & Transport, R/o Darripara, Kawardha, Tahsil and District- Kawardha (C.G.).
	Versus	
Respondents	1.	Vijay Singh, S/o Bhuvan Singh Thakur, aged about 28 years, driver of Jai Bhoramdev Traverls Bus No. M.P. 23-J 0183 (new No. C.G. 04 ZA-0673, R/o Radhakrishna Ward No.11, Kawardha, Tahsil and District- Kawardha.
	2.	Rajendra Singh S/o Bhuvan Singh Thakur, aged 33 years, owner of Jai Bhoram Dev Travels Kawardha, Bus No. C.G. 04-ZA 0673, R/o Thakur Para Sheetla Ward, Kawardha, Tahsil and District- Kawardha (C.G.).
	3.	Divisional Manager, The Oriental Insurance Company Ltd. Malviya Nagar, Durg, District- Durg (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Praveen Kumar Tulsania, Advocate for the appellant.

ORAL ORDER

(2nd December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. In a personal injury case the injured not being satisfied with the compensation awarded by the M.A.C.T. has preferred this appeal for more compensation. Learned counsel for the appellant would contend that what is awarded towards loss of income for the laid off period is inadequate and unreasonable. He would also contend that learned M.A.C.T. ought to have awarded compensation towards future medical expenses.

2. We have perused the record. It is seen that the appellant/injured was inpatient only for 9 days and the M.A.C.T. has awarded Rs. 2000/- towards loss of income during the laid off period. It has

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also awarded Rs. 6000/- towards special diet for 9 days which undeniably is on higher side. Assuming that the appellant/injured is a contractor and a businessman, what is awarded towards loss of income during 9 days cannot be said to be unreasonable or arbitrary. Even assuming that there is little deficiency in the said amount that is made good by what is awarded towards special nutrition. There is absolutely no legal basis to claim for future medical treatment. We have perused the evidence of P.W.4 doctor. In his evidence he has deposed that the rod is inserted and that in the normal circumstance, that need not be removed. The doctor does not say that the appellant requires any future surgery. In the absence of medical evidence, the Tribunal is justified in not awarding any compensation towards future medical expense. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge

Thakur